IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.526 OF 1997

Smt. Krishabai Bapu Birnale, .. Petitioner
Vs
Smt. Mangal Rajaram Jagtap & ors. Respondents

None for the petitioner.
Mr Anil Kumar R.patil, for R.Nos 1 to 3.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 25, 2005.

P.C.

1. Heard Mr.Patil, learned counsel for the respondent. None appears for the petitioner.

2. This petition is directed against the order dated 18.9.1995 passed by the trial Court below Exhibit-19 in R.C.S No.674 of 1994, by which the application filed by the petitioner-plaintiff seeking interim maintenance came to be rejected. This Court, on 4.12.1997 while admitting the petition, passed the following order.

> "Rule. Returnable early. Respondent waives service. By way of interim order it is directed that respondent shall pay Rs.400/- p.m. to the petitioner with effect from

December 97. Amount to be paid on or before 10th of succeeding month. Hearing of the suit is expedited and may be disposed of preferably within one year."

2. Mr Patil, learned counsel for the respondent, has no instructions whether the suit is still pending or that has been disposed of by virtue of the order passed on 4.12.1997. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, this petition can be conveniently disposed of by the following order.

(i) If R.C.S.No.674 of 1994 is still pending, same may be disposed of as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. Pending hearing and final disposal of the suit, the interim order passed on 4.12.1997 to remain operative.

(ii) If the suit has already been disposed of, the interim order shall not operate.

(iii) All contentions on merits are left open. The Rule stands disposed of.

(D.B.Bosses, J.)